UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/2059
15 July 1996

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH
REGARD TO THE IMPLEMENTATION OF THE
DECLARATION ON THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES
AND PEOPLES

# WESTERN SAHARA

Working paper prepared by the Secretariat

CONTENTS


| | | Paragraphs | Page |
|---|---|---|---|
| I. | GENERAL | 1 | 2 |
| II. | CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS FIFTIETH SESSION | 2 - 3 | 2 |
| III. | GOOD OFFICES OF THE SECRETARY-GENERAL | 4 - 52 | 3 |
| IV. | POLITICAL AND OTHER DEVELOPMENTS | 53 - 76 | 13 |


96-17268 (E) 220796 230796

## I. GENERAL

1. A detailed account of general conditions and developments relating to Western Sahara was provided in a previous working paper on the Territory prepared by the Secretariat (A/AC.109/1194).

## II. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS FIFTIETH SESSION

2. At the fiftieth session of the General Assembly, reference was made to the question of Western Sahara by a number of representatives during their statements in plenary meetings. An account of the Fourth Committee's consideration of the item at the fiftieth session is given in the related report of the Committee to the General Assembly (A/50/602).

3. On 6 December 1995, on the recommendation of the Fourth Committee, the General Assembly adopted, without a vote, resolution 50/36 on the question of Western Sahara. The operative part of the resolution reads as follows:

"The General Assembly,

"...

"1. Takes note with appreciation of the report of the Secretary-General (A/50/504);

"2. Pays tribute to the Secretary-General and the personnel of the United Nations Mission for the Referendum in Western Sahara for their action with a view to settling the question of Western Sahara by the implementation of the settlement plan;

"3. Reiterates its support for further efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council adopted the settlement plan for Western Sahara;

"4. Reaffirms that the goal on which all were agreed consists of the holding of a free, fair and impartial referendum for the people of Western Sahara, organized and conducted by the United Nations in cooperation with the Organization of African Unity and without any military or administrative constraints, in conformity with the settlement plan;

"5. Notes with concern the insufficient progress made towards the fulfilment of the settlement plan, including the identification process, the code of conduct, the release of political prisoners, the confinement of troops of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro and the arrangements for the reduction of the Moroccan troops in the Territory;

"6. Calls upon the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to work with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara in a spirit of genuine cooperation to implement the settlement plan in accordance with the relevant Security Council resolutions;

"7. Takes note of the decision of the Security Council to review the arrangements for the completion of the identification process on the basis of the report of the Secretary-General requested by the Council in paragraph 4 of its resolution 1017 (1995) and to consider at that time any further necessary measures which might need to be taken to ensure the prompt completion of that process and of all the other aspects relevant to the fulfilment of the settlement plan;

"8. Expresses the hope that direct talks between the two parties will soon resume in order to create a propitious atmosphere conducive to speedy and effective implementation of the settlement plan;

"9. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the General Assembly at its fifty-first session;

"10. Invites the Secretary-General to submit to the General Assembly at its fifty-first session a report on the implementation of the present resolution."

## III. GOOD OFFICES OF THE SECRETARY-GENERAL

4. An account of series of contacts and consultations undertaken in 1995 by the Secretary-General in the exercise of his good offices, within the context of General Assembly resolution 49/44 of 9 December 1994, is given in his report of 4 October 1995 to the Assembly at its fiftieth session (A/50/504). Since the circulation of that report, the Secretary-General, in close cooperation with the current Chairman of the Organization of African Unity (OAU), has continued to exercise his good offices with the parties concerned.

5. It may be recalled that the Security Council, by its resolution 1002 (1995) of 30 June 1995, requested the Secretary-General to make every effort to persuade the two parties to resume their participation in the implementation of the settlement plan; and endorsed the Secretary-General's benchmarks regarding the final text of the code of conduct, release of political prisoners, a ruling on the confinement of the troops of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) and the reduction of Moroccan troops in the Territory. The Council decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 September 1995 and requested the Secretary-General to report by 10 September on the progress achieved in the implementation of the settlement plan. The

Council also decided to consider further extension of the mandate of MINURSO depending on the progress of the settlement plan.

6. Pursuant to Security Council resolution 1002 (1995), the Secretary-General submitted his report on 8 September (S/1995/779), in which he informed the Council that following the return of the Security Council mission to the region undertaken from 3 to 9 June 1995, the Secretary-General of the Frente POLISARIO had addressed a letter to the President of the Security Council dated 23 June 1995, announcing the decision of the Frente POLISARIO to suspend its participation in the identification process and to withdraw its observers. The decision had been taken in protest against the sentencing by a Moroccan military tribunal on 21 June 1995 of eight Saharans to prison terms of from 15 to 20 years for having participated in a demonstration at Laayoune on 11 May 1995; and the announcement by Morocco to the Security Council mission of its intention to present for identification the 100,000 applicants residing outside the Territory.

7. The Secretary-General also reported that on 26 June 1995, his Acting Special Representative had met with the Minister of the Interior of Morocco and other senior officials at Rabat, when the Minister had urged that planning begin without delay to identify the 100,000 applicants currently residing outside the Territory. The Minister had stressed that his Government stood ready to assist MINURSO in every practical way, including the opening of additional centres, in Morocco and in the Territory.

8. On 26 June, the Prime Minister and Minister for Foreign Affairs and Cooperation of Morocco had addressed a letter to the President of the Security Council in response to the decision by the Frente POLISARIO to suspend its participation in the identification process. The Prime Minister stated that Morocco could not accept an indefinite postponement of the referendum and called upon the Council to "take all necessary steps to ensure the resumption of the process with a view to holding the referendum on schedule".

9. On 12 and 15 July, the Acting Special Representative of the Secretary-General had met again with the Prime Minister of Morocco and the Minister of the Interior, respectively, where the Moroccan authorities reiterated their wish to complete the process as expeditiously as possible.

10. Also on 12 July, the Secretary-General of the Frente POLISARIO had addressed a letter to the President of the Security Council and to the Secretary-General in which he had reiterated the view of the Frente POLISARIO that "the 1974 Spanish census constitutes the only basis recognized in the settlement plan as accepted by the two parties and endorsed by the United Nations" and had deemed unacceptable what he termed "the participation of a substitute population, sought by the occupying Power, whose most recent manoeuvre was to attempt to include 100,000 of its nationals in the voters list".

11. On 3 August, the Minister of the Interior of Morocco had visited the MINURSO Identification Centre at Laayoune and presented the Acting Special Representative of the Secretary-General with two letters confirming his Government's commitment to proceeding as expeditiously as possible with the

identification of all remaining applicants. He had emphasized his Government's readiness to assist in opening 40 new centres in Morocco and in the Territory and providing all the necessary technical and logistic support.

12. On 4 August, the Secretary-General of the Frente POLISARIO had reiterated his party's view regarding the unacceptability of many of the latest applicants for identification, most especially the 100,000 applicants not residing in the Territory.

13. On 7 August, the Frente POLISARIO had conveyed orally to MINURSO its decision that it would no longer participate in the identification, even within the Territory, until the following conditions had been met: (a) the provision of a complete list of all the applicants under the three groupings; and (b) their classification by subfraction, the criteria under which they were applying and their actual residence (see S/1995/779, para. 9).

14. On 25 August, the Secretary-General had received a letter dated 23 August from the Prime Minister of Morocco, in which he had reiterated his Government's conviction that all applicants should be treated equally and were entitled to be presented for identification (see S/1995/779, para. 10).

15. By the end of August 1995, a total of over 53,000 persons had been identified since the process began a year earlier. That represented over 40 per cent of persons residing in the Territory and over 51 per cent of those in the refugee camps near Tindouf. The core problem in the identification process concerned certain tribal groupings. Of the 88 categories in the 1974 census, nearly all related to tribal groups. Although agreement had been reached with the parties on sheikhs and their alternates to identify members of tribal groups, there were major differences of perception between the Frente POLISARIO and the Government of Morocco. Morocco maintained that under the settlement plan, all members of the tribal groups that were represented in the census could apply in order to be identified and to establish their eligibility to vote on the basis of any of the five criteria. The Frente POLISARIO insisted the plan's reference to tribal "subfractions belonging to the Territory" should be interpreted strictly as subfractions, the majority of whose members were found in Western Sahara at the time of the census (S/1995/779, paras. 12-16).

16. In his report (S/1995/779), the Secretary-General observed that in spite of best efforts of those responsible, the programme in the identification process during the three months ending in August had been disappointing. He also reported that the proposed benchmarks concerning the confinement of the Frente POLISARIO troops and the terms of the code of conduct had for the most part not been achieved.

17. The Secretary-General further observed that were the two parties to cooperate fully, identification in all four refugee camps and three of the four centres in the Territory could be completed. He added that the identification process would continue and be expanded to cover all applicants within and outside the Territory, only if two partly related issues were resolved: the Frente POLISARIO's objection to the 100,000 applications from persons living outside the Territory in southern Morocco as well its major reservations about

members of certain tribal groupings also in the Territory, namely, the "Tribus del Norte", "Costeras y del Sur" and "Chorfa".

18. The Government of Morocco, on the other hand, was insistent that there should be no discrimination between applicants, irrespective of whether they were currently residing in or outside the Territory and irrespective of the criterion under which they applied to be included in the electoral roll. Therefore, both sides were reluctant to compromise on any issue that they believed could weaken their position.

19. The Secretary-General noted that MINURSO had an obligation to consider all applications which had been correctly submitted in order to establish the personal identity of the applicant and to determine whether he or she qualified for inclusion in the electoral roll under one of the five eligibility criteria.

20. At its 3582nd meeting, on 22 September 1995, the Security Council, having considered the Secretary-General's report (S/1995/779), adopted resolution 1017 (1995) in which it approved the extension of MINURSO's mandate until 31 January 1996 as proposed in paragraph 52 of the Secretary-General's report and took note of his intention, if, before then, he considered that the conditions necessary for the start of the transitional period were not in place, to present the Security Council with alternative options for consideration, including the possibility of the withdrawal of MINURSO.

21. By the same resolution, the Security Council, inter alia, reiterated its commitment to the holding, without further delay, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties; expressed its disappointment that, since the adoption of resolution 1002 (1995), the parties had made insufficient progress towards the fulfilment of the settlement plan, including the identification process, the code of conduct, the release of political prisoners, the confinement of Frente POLISARIO troops and the arrangements for the reduction of Moroccan troops in the Territory; called upon the two parties to work henceforth with the Secretary-General and MINURSO in a spirit of genuine cooperation to implement the settlement plan in accordance with the relevant resolutions, to abandon their insistence on strict reciprocity in the operation of the identification centres and to cease all other procrastinating actions that could further delay the holding of the referendum; requested the Secretary-General, in close consultation with the parties, to produce specific and detailed proposals to resolve the problems hindering the completion of the identification process in the framework of the relevant Security Council resolutions, in particular resolution 907 (1994) relating to the compromise proposal of the Secretary-General (S/26185), and resolution 1002 (1995) relating to the recommendations of the Security Council mission (S/1995/498), and to report on the outcome of his efforts in that regard by 15 November 1995; and requested the Secretary-General to report by 15 January 1996 on progress achieved towards the implementation of the settlement plan, and to state in that report whether or not the transitional period would be able to begin by 31 May 1996.

22. In his report of 24 November 1995 (S/1995/986), submitted in pursuance of Security Council resolution 1017 (1995), the Secretary-General suggested that in

view of the reluctance of the parties to compromise on any identification issue, identification should be based on documentary evidence. He had explained his proposal in more detail at a meeting on 10 October 1995 with Mr. Driss Slaovi, Counsellor to King Hassan II of Morocco, Mr. Driss Basri, Minister of State for the Interior, General Housni Bensliman and Ambassador Ahmed Snoussi. The proposal had also been communicated to members of the Security Council and the Frente POLISARIO leadership. The Secretary-General had elaborated his proposal in a letter dated 27 October 1995 to the President of the Security Council (S/1995/924).

23. In his report (S/1995/986), the Secretary-General stated that in a letter dated 26 October, Mr. Ali Beiba of the Frente POLISARIO had assured the Secretary-General's Acting Special Representative of the Frente POLISARIO's willingness to cooperate with the programme that the Secretary-General would establish to identify all persons whose applications had been received in the Territory and outside, in the camps and the Tindouf region and in Mauritania, in conformity with the settlement plan.

24. The Government of Morocco had informed the Secretary-General's Acting Special Representative of its unwillingness to accept a process that would differentiate between different groups of applicants and reiterated its insistence on oral testimony. In communications dated 25 and 29 October 1995, Mr. Basri had rejected a change in procedure, which his Government believed was prejudicial to the inalienable rights of Western Saharans to equal treatment by the Identification Commission and to the interest of Morocco. Morocco had considered the Secretary-General's suggested "simplification" of the procedure as a radical departure from the settlement plan and the instructions to the Identification Commission, which recognized the specific nature of Saharan society and the role of oral testimony alongside various types of documentary evidence. The Minister had reiterated Morocco's reservations regarding documents issued by the former Spanish administration of the Territory.

25. At that point, the Secretary-General reported, he had proposed the adoption of the following procedure in accordance with established practice, both parties would be invited to present a sheikh or alternate of the subfraction concerned, as follows: (a) when both parties presented a sheikh or alternate, one from each side, identification would take place according to the normal procedure; (b) when one party failed to provide a sheikh or alternate, identification would take place on the basis of appropriate documentation, with the assistance of the one sheikh present; and (c) when neither party provided a sheikh or alternate, identification would be based on documentary evidence only.

26. On 13 November, the Government of Morocco had sought assurance that when there was only one sheikh present, he would contribute to the identification in exactly the same manner as when there were two. It again emphasized the "privileged" place of oral testimony in the identification process. It considered the reference to appropriate documentation as too vague and therefore liable to a restrictive interpretation. It found unacceptable the proposal that identification could take place without the participation of any sheikh. In its view, that had no basis in the settlement plan and instructions to the Identification Commission, since it would exclude oral testimony entirely.

27. On 18 November, Mr. Mohamed Abdelaziz, Secretary-General of the Frente POLISARIO, had stated that the Frente POLISARIO would not subscribe to the Secretary-General's new proposal, which it considered a reversal of the earlier approach. In the Frente POLISARIO's view, the implementation of the Secretary-General's proposal would again give Morocco an added advantage and the opportunity to introduce by means of a sheikh of its choice and of its own documents, 135,000 applicants who had no ties with Western Sahara. That would be tantamount to holding a referendum for a people other than Western Saharans.

28. In his report (S/1995/986), the Secretary General noted that by 18 November 1995, all 233,487 applications had been processed (176,533 in the Territory and on the Moroccan side, 42,468 in the camps and Tindouf area, and 14,486 in Mauritania). Of those, 75,794 had been convoked (46,701 in the Territory and 29,093 in the camps), of which 58,947 had been identified (37,708 in the Territory and 21,239 in the camps). In spite of repeated convocations, the number of applicants to come forward varied from 75 per cent of those convoked in the camps to 80 per cent in the Territory.

29. A total of 157,693 applicants remained to be convoked, and if identification was allowed to proceed in accordance with the above procedures and without interruption, a total of 12 centres, at the rate of 3,000 per month at one centre, should be able to complete identification within four months, at a rate of 36,000 applicants per month.

30. The Secretary-General observed (S/1995/986, paras. 15 and 16) that identification would continue irrespective of the absence of sheikh, representative or observer once the schedule for identification had been duly communicated to the parties, the convocation list issued and the hours of work announced. In all cases there would be no change in the procedure already established. It would be up to the Identification Commission to determine the validity of the oral testimony and of the documentary evidence and to decide on the merits of each applicant to be included in the electoral roll.

31. The Secretary-General further observed that neither party was likely to be satisfied with his new proposal to proceed with the identification. Morocco wanted to limit, to the extent possible, the role of the documentary evidence and give privilege to that of oral testimony. The Frente POLISARIO considered that the implementation of the new approach could allow for the introduction of applicants who had no ties with Western Sahara. However, the Secretary-General concluded that the new approach was the only way the process could be carried forward. He noted that should it fail to proceed with the necessary speed, it would be his intention, as requested by the Security Council in its resolution 1017 (1995), to present for the consideration of the Council alternative options, including the possibility of the withdrawal of MINURSO.

32. On 19 December 1995, the Security Council, having considered the report of the Secretary-General (S/1995/986), adopted resolution 1033 (1995), in which it welcomed the decision of the Secretary-General to intensify his consultations with the two parties in order to obtain their agreement to a plan to resolve differences hindering the timely completion of the identification process; requested the Secretary-General to report to the Council on the results of those consultations on an urgent basis and, in the event those consultations failed to

reach agreement, to provide the Council with options for its consideration, including a programme for the orderly withdrawal of MINURSO; and called upon the two parties to work with the Secretary-General and MINURSO in a spirit of genuine cooperation to implement all the other aspects of the settlement plan, in accordance with the relevant resolutions.

33. Pursuant to that resolution, a mission headed by Under-Secretary-General Chinmaya Gharekhan, acting as the Secretary-General's Special Envoy, visited Rabat (2-4 January), Tindouf (4 and 5 January), Nouakchott (5 and 6 January) and Algiers (7-9 January) (see S/1996/43 and Corr.1).

34. At both Rabat and Tindouf, the Special Envoy of the Secretary-General stressed the need for both parties to take urgent steps to overcome their differences relating to the implementation of basic aspects of the settlement plan in order to provide a basis for the Security Council to support the continuation of MINURSO. Both sides confirmed their commitment and continuing desire to hold a free and fair referendum on the future status of Western Sahara in conformity with the settlement plan. They assured their readiness to cooperate fully with the United Nations in order to overcome the obstacles standing in the way of the implementation of the plan. At the same time, each of the parties insisted that there was no room left for additional concessions on its part. Consequently, each party stressed that progress was contingent on the readiness of the other party to adjust its position as required. Morocco underlined that it was the Commission's duty to process each and every application submitted before the expiry of the deadline established for that purpose, irrespective of the present place of residence of the applicant. It insisted that the Identification Commission must give equal weight to all forms of evidence offered by applicants in support of their claims to eligibility, be it documentary proofs or oral testimony.

35. The Frente POLISARIO agreed to participate in the identification of all applicant members of the subfractions that were represented in the 1974 census, being those for which a list of sheikhs or alternates had already been drawn up. The Frente POLISARIO could not participate in processing of applicants from the H41, H61 and J51/52 tribal groups, which were not represented by subfractions in the 1974 census.

36. During meetings at Nouakchott and Algiers, the leaders of two observer countries (Mauritania and Algeria) confirmed their continuing strong interest in a speedy settlement of the Western Saharan conflict.

37. The mission of the Secretary-General's Special Envoy took place against a background of a near standstill in the identification process. As a consequence, only 7,935 persons had been identified from 1 September 1995 until the end of December 1995, bringing the total number of persons identified to 60,257 out of 76,992 convoked. With some 174,000 applicants remaining to be convoked for identification in January 1996, it was clear that even if the identification were to be immediately resumed and accelerated, the earlier forecast calling for a referendum to be held in May 1996 was no longer realistic.

38. In the light of the results of the Special Envoy's mission and other relevant circumstances described in the report (S/1996/43 and Corr.1), the Secretary-General suggested that the Council might wish to consider, as one option, extending the mandate of MINURSO for four months ending on 31 May 1996. As a possible second option, the Security Council might conclude that it could not justify a further extension without imposing conditions in terms of solutions to outstanding problems by specific dates, and that plans should therefore be prepared for a phased withdrawal of MINURSO. However, the Secretary-General concluded his report by noting that the possibility of the Security Council considering phasing down, and eventually closing down, MINURSO, could have destabilizing consequences for the region.

39. In considering the report of the Secretary-General (S/1996/43 and Corr.1), the Security Council, in its resolution 1042 (1996) of 31 January 1996, decided to extend the mandate of MINURSO until 31 May 1996, supported the intention of the Secretary-General, in the absence of meaningful progress towards completion of the settlement plan, to bring the situation to the immediate attention of the Council and invited the Secretary-General in that eventuality to submit for consideration a detailed programme for a phased withdrawal of MINURSO.

40. In his report of 8 May 1996 (S/1996/343), the Secretary-General reported that on 1 February 1996, immediately after the adoption of resolution 1042 (1996), his Acting Special Representative had written to both parties for the resumption of the identification process and had prepared a detailed programme to complete the process within 26 weeks. Subsequently, the Acting Special Representative met with senior officials of the Government of Morocco on 5, 8 and 15 February. During the last meeting, the Government indicated that it wished to proceed with the identification process in accordance with the settlement plan, provided there was no differentiation of treatment between different tribes and tribal groupings of the 1974 census. In other words, it would not have been possible to postpone processing of the contested groups. On 6 March, the Minister of the Interior informed the Acting Special Representative that in a spirit of compromise, the identification process could restart with applicants from groups not contested by the Frente POLISARIO (tribes A to G) on the understanding that applicants from some H, I and J tribal groups would also be included. Morocco agreed that the more contentious H41, H61 and J51/52 groupings could be considered from the seventh week onward. However, the Moroccan position against the disclosure of the list remained unchanged.

41. The Frente POLISARIO indicated that the Secretary-General's report of 19 January 1996 (S/1996/43 and Corr.1) contained certain misunderstandings: the Frente POLISARIO position had always been and still was that all the Tribus del Norte, Chofra and Costeras y del Sur tribal groups, known as H, I and J, were unacceptable for identification because they were groupings of tribes and were not composed of subfractions in the strict sense of the 1974 census. Later, Mr. Bashir indicated that he would discuss the settlement plan as a whole, at a meeting to be attended by the heads of all the MINURSO components, as well as by the Independent Jurist. He also wanted all the lists to be made available before discussing the proposed identification programme. On 4 April, while expressing the wish of the Frente POLISARIO to proceed with identification and the implementation of the settlement plan, Mr. Bashir agreed to participate only in the processing of applicants from groups not contested. He further indicated

that the Frente POLISARIO would not commit itself to participate in the identification of applicants from the contested H to J groups.

42. The Secretary-General pointed out in his report (S/1996/343) that since its inception, the identification process had been based on the agreement of both parties and their willingness to cooperate. By the end of April 1996, only 60,000 persons had been identified (although over 77,000 had been convoked); however, another 156,924 still remained to be identified.

43. There had been no significant progress on the implementation of other aspects of the plan, such as the release of political prisoners, the exchange of prisoners of war, the reduction of Moroccan forces and the confinement of Frente POLISARIO troops. On 2 May, the Government of Morocco submitted some preliminary observations on the draft code of conduct for the referendum for consideration by MINURSO. In fact, the implementation of the settlement plan, which had reached that stage only through creative compromises, appeared to have come to an impasse.

44. Under the circumstances, the Secretary-General was compelled to conclude that the required willingness did not exist to give MINURSO the cooperation needed for it to resume and complete the identification process within a reasonable period of time. He therefore felt obliged to recommend that the identification process be suspended until such time as both parties provided convincing evidence that they were committed to complete the process without further obstacles (A/1996/343, para. 29) The Secretary-General also proposed reduction in the strength of the military component of MINURSO by 20 per cent, which would not impair its operational effectiveness in the field.

45. The Secretary-General's recommendation to suspend the work of the Identification Commission and to reduce the number of civilian police and military observers implied no lessening of resolve to discharge the mandate entrusted to him by the Security Council. He added that the United Nations could not abandon its responsibility to decide the future status for the people of Western Sahara in a way that would bring lasting peace and stability (ibid., para. 35).

46. The Secretary-General proposed to maintain a political office, headed by his Acting Special Representative and staffed by a small number of political officers, at Laayoune, with a liaison office at Tindouf, in order to maintain dialogue with the parties and the two neighbouring countries (ibid., para. 36).

47. The Secretary-General recommended the extension of MINURSO's mandate for a period of six months at the reduced strength outlined above (ibid., para. 38).

48. In the memorandum attached to a letter dated 10 May 1996, addressed to the Secretary-General (S/1996/345), the Government of Morocco recalled the reports of the Secretary-General to the Security Council (S/1995/986, S/1995/779 and S/1996/43 and Corr.1) and cited the reasons for the stalemate in the identification process. It maintained that it was the refusal of the Frente POLISARIO not to participate in the identification process relating to certain tribal groups and persons not resident in the Territory that had created the stalemate. It added that "the Kingdom of Morocco, for its part, wishes to

reaffirm solemnly that it respects the settlement plan and that it has done all it can to facilitate the plan's implementation". It further said that "We strongly hope that we will not come to regret that the efforts made, the energy spent and the resources committed by the international community did not lead to the settlement of the question of Western Sahara" and expressed the hope "that the international community will not abandon these efforts".

49. In a memorandum by the Frente POLISARIO which was transmitted to the Secretary-General on 22 May by the Permanent Representatives of Namibia and the United Republic of Tanzania to the United Nations (S/1996/366), the causes of a possible failure of MINURSO were attributed "to the combination of an open Moroccan opposition to a free and fair referendum and a surprising lack of firmness shown by MINURSO in the management of the peace plan". It said that "the categorical opposition of Morocco to the principle of transparency in the management of the peace process was a decisive factor" for the failure. Among other factors that led to the failure, it mentioned "the imposition of a radical change of the original peace plan in December 1991, the massive transfer of Moroccan settlers into the territory, the rejection of direct dialogue with the Frente POLISARIO and statements of high-level Moroccan authorities declaring that they will not accept the result of a referendum in favour of independence".

50. It said that the international community had a responsibility to bring the process to its completion in order to prevent a regional crisis of dangerous and unpredictable proportions. In this regard, it asked for the identification process of voters to resume, provided that the process was ruled by transparency, and that an appeal be made to the parties in the conflict to start direct negotiations under the auspices of the United Nations, in order to resolve the outstanding problems.

51. On 23 May, the current Chairman and the Secretary-General of OAU addressed a letter to the Secretary-General (S/1996/376) expressing their concern at the present impasse in the implementation of the settlement plan as a result of the difficulties encountered in the identification process of the voters. They expressed their concern about any relaxation of efforts of the United Nations in the implementation of the settlement of the conflict. They also hoped that the United Nations Security Council would ensure that nothing would be done that could jeopardize the implementation process of the settlement plan for Western Sahara with far-reaching implications for peace, stability and security in the region.

52. In its resolution 1056 (1996) of 29 May 1996, the Security Council, having considered the report of the Secretary-General and taken note of the views expressed by the Government of Morocco, the Frente POLISARIO and OAU, agreed with the recommendations of the Secretary-General that the identification process be suspended until such time as both parties provided concrete and convincing evidence that they were committed to resume and complete the process in accordance with the settlement plan. The Council supported the proposal to maintain a political office to continue dialogue with the parties of the neighbouring countries. The Council decided to extend the mandate of MINURSO until 30 November 1996 and reminded the parties that if significant process was not achieved during that period, the Council would have to consider other measures, including possible further reductions in the strength of MINURSO, but

stressed its readiness to support the resumption of the identification process as soon as the parties had demonstrated the necessary political will, cooperation and flexibility. The Council requested the Secretary-General to continue his efforts with the parties to break the impasse blocking the implementation of the settlement plan and to submit a report to the Council by 31 August 1996 on the outcome of his efforts. It also requested the Secretary-General to keep the Council closely informed of all significant developments, including their humanitarian aspects, and to submit a comprehensive report on the implementation of resolution 1056 (1996) by 10 November 1996.

## IV. POLITICAL AND OTHER DEVELOPMENTS

53. At the fiftieth session of the General Assembly, the Fourth Committee had before it the report of the Secretary-General on the question of Western Sahara (A/50/504), submitted in accordance with General Assembly resolution 49/44 of 9 December 1994.

54. At its 2nd meeting, on 4 October 1995, the Fourth Committee decided to defer consideration of one request for hearing relating to Western Sahara pending consultations with the Bureau and the delegations concerned.

55. On 9 October, a representative of the Frente POLISARIO, speaking at the 3rd meeting of the Fourth Committee (see A/C.4/50/SR.3), recalled that the first United Nations commission of inquiry dispatched to Western Sahara 20 years earlier, as well as the International Court of Justice in a subsequent judgement, had failed to support Morocco's claims to the then Territory. The Saharan people had from the start clearly opted for independence, a fact that would have been confirmed by the referendum on self-determination that the United Nations had been urging since 1965, which would have brought about decolonization peacefully and naturally. Instead, Morocco had invaded the country and imposed a brutal colonial occupation which was an affront to the principles of the Charter of the United Nations and which had been resisted for 20 years by the Saharan people.

56. The representative of Frente POLISARIO said that the adoption of the settlement plan for Western Sahara, outlined in Security Council resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, and subscribed to by both parties, had been made possible by good-faith concessions by the Saharan side, but the subsequent implementation of the agreed arrangements for the proposed referendum had been deliberately subverted by new voter-identification and other conditions demanded by Morocco. Following further concessions by the Saharan party, and a welcome visit to Western Sahara by a Security Council mission in June 1995, the credibility of the self-determination referendum now depended chiefly upon the trustworthiness and transparency of the voter-identification operation, United Nations guarantees of compliance with the results of the referendum and the resolution of transitional issues such as the reduction and cantonment of Moroccan troops, the adoption of a code of conduct, the release of political prisoners and exchange of prisoners of war and the presence of independent observers.

57. The representative of the Frente POLISARIO went on to say that large-scale fraud had been perpetrated by the Government of Morocco. The most flagrant instance was incredible claims made by 3,000 settlers to the Identification Commission; there was a strong possibility that they had been coached to memorize particulars of false identities ascribed to them. He therefore wondered how the Commission was to resolve the cases of the thousands of settlers who claimed to be Saharans. There was no convincing answer to that question, on which depended the credibility of the referendum operation in Western Sahara. There had been not only an unseemly influx of applications, but evidence that the Government of the occupying Power had gained control over the pace and direction of the process. Evidence for that came from the Security Council mission, the former Vice-Chairman of the Identification Commission, various newspapers and the United States non-governmental organization Human Rights Watch. From all those sources it was clear that the Government of Morocco was putting pressure on all parties to ensure that the referendum process was not carried out in a transparent manner. Human Rights Watch itself had been harassed. In an open letter to the members of the Security Council, it had deplored the regular obstruction of the referendum process and urged the Council to send a strong signal to the Moroccan Government that its interference with the operation of the Mission must cease immediately. It feared that if the Mission were not promptly provided with the necessary tools and authority to organize and conduct a free and fair referendum there was a danger that it would be forced to withdraw.

58. He added that all of the foregoing made it imperative that the United Nations exert the necessary efforts to restore the credibility of the operation and ensure the fair and transparent implementation of the settlement plan, as it was not only the credibility of the United Nations that was at stake but also the peace and security of the region.

59. The representative of the Frente POLISARIO said that the human rights situation in Western Sahara had deteriorated disturbingly since the arrival of MINURSO. The Frente POLISARIO wished to reiterate its request, made in 1993 to the United Nations Human Rights Committee, that a commission of inquiry be sent to Western Sahara. It also wished to inform the Committee that the 200 Moroccan prisoners of war who had been released by the Frente POLISARIO as a gesture of peace in 1989 had not yet been permitted by the Moroccan Government to return to their country.

60. The representative of the Frente POLISARIO further said that the holding of a fair, free and impartial referendum for the Saharan people to determine its future was the approach agreed to, and the only one consonant with the principles laid down in the Charter of the United Nations. The Frente POLISARIO also believed that a direct, responsible and constructive dialogue between it and the Kingdom of Morocco could help create a climate conducive to the transparent and fair implementation of the peace plan.

61. At the 4th meeting, on 10 October, the representative of Morocco proposed suspending the meeting under rule 118 of the rules of procedure of the General Assembly (see A/C.4/50/SR.4). The Committee rejected the proposal by a recorded vote of 56 to 12, with 8 abstentions. The representative of Algeria requested a recorded vote on his proposal to circulate as an official document the request

for hearing of Mr. Frank Ruddy (A/C.4/50/4/Add.2). The Committee approved the proposal by a recorded vote of 71 to none, with 12 abstentions. The Committee decided to request the Legal Counsel of the United Nations to present at its next meeting his views on the request for hearing of Mr. Ruddy.

62. At the 5th meeting, on 11 October, the Legal Counsel of the United Nations presented the views on the request for hearing of Mr. Ruddy (see A/C.4/50/SR.5). The representative of Algeria requested a recorded vote on the request for hearing of Mr. Ruddy. The request for hearing was rejected by a recorded vote of 38 to 32, with 20 abstentions.

63. On 11 October, the Permanent Representative of Morocco to the United Nations, speaking at the 6th meeting of the Fourth Committee (see A/C.4/50/SR.6), said that while remaining more than ever determined to regain its territorial integrity, of which it had been deprived by colonization, Morocco had unceasingly attempted to find a just and definitive solution to the problem of Western Sahara. His country had taken the initiative in requesting that a referendum on self-determination in Western Sahara should be organized and had then cooperated fully in preparing for it, at the cost of considerable material sacrifice, and it was disappointing that following the acceptance by his Government on 26 June 1995 of the Secretary-General's criteria for identification under Security Council resolution 725 (1991), despite its serious reservations, those criteria had been completely rejected as a result of representations by the other party.

64. The Permanent Representative of Morocco said that Morocco had then accepted the compromise interpretation and application of criteria proposed by the Secretary-General, which the other party had eventually half-heartedly accepted. Despite its acceptance, it had instructed its sheikhs - heads of tribes - to oppose, almost systematically, the application of anyone who had submitted himself for identification under criteria 4 and 5, while itself accepting the application of two men called Bashir Sayed and Abdul Aziz, overlooking the plain fact that any applicant could only be accepted by the Identification Commission; that applied equally to applicants residing outside the Territory. Morocco reaffirmed its wish to restore full citizenship to Saharans living outside the Territory, as it had for Saharans living in Morocco itself. At the same time, it emphasized the need for MINURSO to remain in place, since it was a force for stability in the region.

65. The Permanent Representative of Morocco further said that every time the Committee met there was talk of the need for a dialogue to settle problems, some of which were real, others not. There already existed a settlement plan, however, under the aegis of the Security Council and the Secretary-General, and a report on the matter was issued once a fortnight. None the less, Morocco had attempted a dialogue more than 15 times, yet each time someone clearly enjoying great authority had made sure it came to nothing. The time for serious action had arrived. Under the settlement plan, there were clear rules and deadlines for registration and identification. He defied anyone to say that his country had not respected them. It was hardly Morocco's fault that those claiming to act for over 30,000 refugees in fact represented a tiny proportion of real Saharans. The 181,000 plus already registered had conformed to the criteria established by the Secretary-General and approved in Security Council

resolutions 725 (1991) and 907 (1994), as well as being agreed by both parties. Over 25,000 remained, currently living in camps. It was up to the Identification Commission to accept or reject applications, and no one had the right to prevent a Saharan from appearing before the Commission. Moreover, in Morocco itself there were 700,000 possible candidates representing three generations of exiled Saharans. The other criteria unrelated to the Spanish census of 1974 had been wilfully ignored. The claim had been made that the four criteria recognized by both parties were invalid unless they gave the men called Abdul Aziz and Bashir Sayed the right to identification, even though they did not appear in the 1974 census and indeed in 1973 they had both been in Morocco.

66. The Permanent Representative of Morocco added that despite the efforts of the Mission and the good will of his country, the identification operation had met with delays which Morocco deplored and for which it was in no way responsible. It had protested to the Secretary-General as recently as August 1995 at the various delaying tactics, which put the implementation of the settlement plan at risk. It had also drawn his attention to the interpretation and application of the identification criteria on the ground, which violated the spirit and the letter of the settlement plan. His country had been very patient, it had been cooperative at all times and it had suffered considerable sacrifices. It was time for the issue to be settled once and for all. The Committee should inform the General Assembly of the increasing difficulty that the Mission was facing in continuing to function, both financially and operationally. In that area, there were real problems to be overcome.

67. Speaking at the 15th meeting of the Fourth Committee on 3 November on draft resolution A/C.4/50/L.5/Rev.1 on the question of Western Sahara (see A/C.4/50/SR.15), the Permanent Representative of Morocco observed that as the party primarily involved in safeguarding the wishes of the population of Western Sahara, Morocco had been the one to ask that a referendum should be held and had always cooperated fully with the settlement plan, as attested to by successive reports of the Secretary-General. Again at the current session, however, one delegation had, without consulting Morocco, submitted a draft resolution that departed from the Security Council resolutions on Western Sahara.

68. The Permanent Representative of Morocco proposed that the informal amendments to draft resolution A/C.4/50/L.5/Rev.1 that his delegation was about to submit to the Chairman should be included in the text in order to give it balance. He appealed to the Chairman to use his good offices to convince the sponsors to accept Morocco's amendments.

69. The Permanent Representative of Algeria to the United Nations said that, contrary to the Moroccan delegation's contention that it had not been contacted regarding the draft resolution under consideration, some of the sponsors, upon receiving through the most unofficial channels the so-called informal amendments just referred to, had in a constructive spirit offered some subamendments that had, through intermediaries, in fact been accepted by Morocco (see A/C.4/50/SR.15).

70. The Permanent Representative of Algeria said that the draft resolution as it now stood was a very balanced one that did not tilt towards either party. The sponsors were anxious that it should be adopted by consensus, for the text

set out basic principles and put the authority of the General Assembly solidly behind the Secretary-General and the Security Council in the hope of bringing the settlement process in Western Sahara to a close by the deadline of 31 January 1996. If the peace process was not saved, a conflict could be unleashed on Algeria's borders. Algeria, acting as a spokesman for the other party which was unable to speak for itself, asked the Chairman not to give in to the reluctance of one of the parties to cooperate. The draft resolution before the Committee protected the right of the Saharan people and safeguarded peace in the region.

71. The representative of the United States of America said that his delegation believed the issue should be settled in a way that furthered the peace process and avoided confrontation (see A/C.4/50/SR.15). The United States had tried to help build consensus around the draft resolution on Western Sahara at both the current and previous sessions, but had failed because of the unwillingness of one side to make very modest adjustments to a text. In view of Algeria's recognition of the utmost importance of consensus, of the need to save the peace process and of the critical juncture there could be no reason for it to object to having the Chairman use his good offices to bridge the gap.

72. At the same meeting, the representative of the United Republic of Tanzania, on behalf of the sponsors, introduced a revised draft resolution (A/C.4/50/L.5/Rev.1) and orally revised it (see A/C.4/50/SR.15). He said that the Committee had consistently followed with particular interest the question of Western Sahara; indeed, it had ensured the efforts aimed at restoring peace in Western Sahara through the joint good offices of the Secretary-General and the current Chairman of OAU. It had also supported from the start the settlement plan accepted by the Kingdom of Morocco and the Frente POLISARIO, which still faced problems in the way of its early implementation. It was in that spirit that the sponsors of the draft resolution had adopted a constructive approach with the aim of reaffirming full support for the implementation of the settlement plan based on Security Council resolutions 658 (1990) and 690 (1991). The large number of sponsors illustrated the merit of that approach and the desire of the international community to arrive at a just and lasting solution to the question.

73. Under the draft resolution, the General Assembly would express the hope that direct talks between the parties would resume shortly in order to create a climate conducive to a speedy and effective implementation of the plan. The draft was intended to give a decisive impetus to the process. To that end it should be adopted by consensus. Such a consensus would, he trusted, encourage all the parties concerned to implement the settlement plan fully, for the sake of peace and stability in the region.

74. The Permanent Representative of Morocco said that his delegation, while maintaining the reservations it had previously expressed, would not oppose the adoption of the draft resolution without a vote. It attached great importance to the new preambular paragraph, which indicated that the delays in the identification process constituted a serious obstacle to progress. The other additions were also justified, although the bulk of the problems listed in the new paragraph would cease to be relevant when the transition period was over.

75. At the same meeting, the Fourth Committee adopted revised draft resolution A/C.4/50/L.5/Rev.1, as orally revised, without a vote.

76. The General Assembly, at its 82nd plenary meeting, on 6 December 1995, adopted resolution 50/36 on the "Question of Western Sahara" without a vote (see para. 3 above).

---